

MTSA Regulations found at 33 CFR Subchapter H
Parts 104 & 105—Vessels & Facilities.

#33-04 Ch-1 Jun 30, 2004---POLICY ADVISORY COUNCIL FAQ

Q. Should vessels and facilities handling caustic soda solution be exempted from the requirements in 33 CFR Part 104 and 105?

Ans. The Coast Guard has conducted an assessment of caustic soda solution and has determined that it poses a lower risk of causing a transportation security incident. As a result, the Coast Guard is exempting **barges** that handle caustic soda solution as not being subject to 33 CFR Part 104 unless another applicability factor is involved. Likewise, the Coast Guard is exempting **facilities** that receive caustic soda solution from barges not otherwise subject to 33 CFR Part 104 unless another applicability factor is involved. These exempted barges and facilities remain subject to sections 101 and 103 of 33 CFR Subchapter H.

Barge Examples: A barge that alternates between carrying caustic soda solution and other regulated cargoes would be required to comply with 33 CFR Part 104. Also, any self-propelled vessel carrying caustic soda solution and inspected pursuant to 46 CFR Subchapter I must comply with 33 CFR Part 104. A barge that does not engage in international voyages that only carries caustic soda solution or other non-regulated cargoes is not required to comply with 33 CFR Part 104.

Facility Examples: A facility that receives any self-propelled vessel carrying caustic soda solution must comply with 33 CFR Part 105. A facility that receives a barge that does not engage in international voyages that carries caustic soda solution is not required to comply with 33 CFR Part 105, unless other applicability factors exist.

Inclusion in the Area Maritime Security Plan: In ports that move large amounts of Caustic Soda Solution through several waterway operators, the Area Maritime Security Plan may address mitigation strategies and implementation methods when the security of such movements are highly susceptible to suspicious activities.

The deadline for vessels and facilities handling caustic soda solution and affected by this change in policy is extended to September 1, 2004 for the submissions of Vessel and Facility Security Plans.

NOTE For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).